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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,194	04/07/2006	Robert Behr	710.1027	1207
23280 7590 10/01/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
LYAK, LORI LYNN				
ART UNIT		PAPER NUMBER		
3612				
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10/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/540,194

**Applicant(s)**

BEHR ET AL.

**Examiner**

Lori L. Lyjak

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 11-19 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claim 20 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 20 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Objections***

2. Claim 10 recites the limitation "the insert part" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Specification***

3. The disclosure is objected to because of the following informalities:  
"preamble of claim 1" [0001] needs to be changed to state the preamble of claim 1.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7 and 11-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Fujimoto 2004/0021342.

Regarding claim 7, Fujimoto '342 discloses an engine hood for a motor vehicle having a deformable head impact zone to protect pedestrians in the event of a collision with the motor vehicle, the engine hood comprising an outer shell (3a) formed by a paneling of a body of the vehicle; at least one inner shell (1a) disposed below the outer shell and connected to the outer shell, the inner shell having a stiffening region (2a), wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material in Figure 3.

Regarding claim 11, Fujimoto '342 discloses the engine hood wherein the vaulted structure defines a plurality of bulge domes vaulted out in a direction toward the outer shell.

Regarding claim 12, Fujimoto '324, as modified, discloses the engine hood wherein the plurality of bulge domes of the vaulted structure are adhesively bonded to the outer shell.

Regarding claim 13, Fujimoto '324, as modified, the engine hood as recited in claim 7 wherein the inner shell is between 0.7mm and 1.2mm thick.

Regarding claim 14, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the bulges protrude more than 2 mm.

Regarding claim 15, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 the vaulted structure includes a honeycomb structure with honeycomb sizes of 25 to 50 mm.

Regarding claim 16, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes hexagonal structures.

Regarding claim 17, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes triangular or rectangular structures.

Regarding claim 18, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes bulges protruding less than 4mm.

Regarding claim 19, Fujimoto '324 discloses an engine hood for a motor vehicle having a deformable head impact zone to protect pedestrians in the event of a collision with the motor vehicle, the engine hood comprising: an outer shell (3a) formed by a paneling of a body of the vehicle; at least one inner shell (1a) disposed below the outer shell and connected to the outer shell, the inner shell having a stiffening region (2a), wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material, the vaulted structure having a grid or lattice constant and vault height matched to a material thickness and desired rigidity of the inner shell in Figure

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 7 and 11-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

7. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lori L. Lyjak/  
Primary Examiner, Art Unit 3612

lll  
September 25, 2008